

HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.680 OF 2005.

Khaserao Pratap Sawant. ...Petitioner

V/s.

The State of Maharashtra & Anr. ...Respondents.

Shri R.S.Kate, for petitioner

Shri A.S.Gadkari, APP for respondent-State.

CORAM: A.M.KHANWILKAR, J
DATE : APRIL 29, 2005

P.C. :-

1. Heard counsel for the parties.
2. Counsel for the petitioner contends that even the private respondent has no objection for sending the disputed cheques for verification to handwriting expert, inspite of that the court has rejected petitioner's request in that behalf.
3. This argument clearly overlooks the position that in the first place, the private respondent-complainant had strongly objected to the prayer for sending cheques to handwriting expert. It is only in the alternative, it was submitted on behalf of the private respondent

that if at all, cheques are to be forwarded for verification to handwriting expert, even the respondent complainant was willing to offer his admitted handwriting for verification. That however, does not mean that the respondent has conceded the request of the petitioner.

4. Besides, the court below has observed that it is not necessary to send the cheque to handwriting expert for verification, for the nature of the stand taken by the petitioner. The petitioner's stand from the record appears is that, the cheque book duly signed by him was given to the respondent-complainant, which has been misused by him. To establish that position, opinion of handwriting expert is not necessary. That evidence can be adduced by the respondent, if so advised.

5. Hence, there is no infirmity in the order passed by the court below, rejecting the petitioner's application. Dismissed.